

# **UNITED STATES PUBLIC HEALTH SERVICE TECHNOLOGY TRANSFER POLICY MANUAL**

## **Chapter No. 202**

### **PHS Policy for Leaving Title to Inventor(s) for Intramural Inventions**

#### **A. PURPOSE**

This Manual Chapter sets forth the policy for review and disposition of an inventor's request to leave title in a PHS Intramural Invention (defined below) to the requesting inventor.

#### **B. BACKGROUND**

The Public Health Service (PHS) promotes the development of each invention in which it has or is owed an ownership interest (an "Intramural Invention") to benefit the public health. This is accomplished through a variety of means, including by licensing technologies (patented and unpatented), transferring research materials, engaging in collaborations, and publishing research results. The Federal Technology Transfer Act of 1986 (FTTA), as amended and set forth at 15 U.S.C. § 3710d, and HHS regulations (45 C.F.R. Part 7), authorize the PHS to determine the appropriate disposition of the Government interests in an Intramural Invention.

#### **C. POLICY**

The policy of the PHS is to leave title in an Intramural Invention to an inventor when the PHS determines: (a) that the PHS does not intend to file for or maintain patent protection, or otherwise promote the commercial development of an Intramural Invention; and (b) that the transfer of rights to the requesting inventor is in the public interest. The PHS also may leave title to an inventor where the contribution of the Government is insufficient equitably to justify a requirement of assignment to the Government.

Whenever title is left to the employee, the Government shall reserve a nonexclusive, irrevocable, royalty-free license with the power to grant licenses for all governmental purposes, where the reservation will appear, where practicable, in any patent, domestic or foreign, which may issue on such invention. In addition, the Government shall condition leaving title upon compliance with any and all laws, regulations, and policies concerning conflict of interest that are applicable. For example, when title to an invention is left to an inventor who is currently an employee of the PHS, the employee-inventor gains a personal financial interest in the value and/or income potential of the invention. As a result, the employee-inventor normally will be precluded from engaging in further work that would directly and predictably affect that financial interest as part of his or her official PHS duties. Finally, the PHS retains sole discretion to add whatever additional conditions, obligations, requirements, and/or restrictions that the PHS considers appropriate.

#### **D. EFFECTIVE DATE**

The policy set forth in this Manual Chapter is effective June 17, 2010, and supersedes in its entirety the policy in PHS Technology Transfer Manual Chapter 202, which was first approved on January 23, 1997.

#### **E. ADDITIONAL INFORMATION**

For further information on this Manual Chapter, contact the Office of Technology Transfer, NIH, (301) 496-7057 or [http://www.ott.nih.gov/contactus/contact\\_us.aspx](http://www.ott.nih.gov/contactus/contact_us.aspx).